

ASSEMBLY BILL

No. 349

Introduced by Assembly Member La Suer

February 16, 2001

An act to add Section 290.9 to the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 349, as introduced, La Suer. Sex offenders: disclosure: schools.

(1) Under existing law, the Department of Justice is required to identify, on the basis of its records, high-risk sex offenders and to provide to each chief of police and sheriff in the state, and to any other designated law enforcement entity upon request, specified information regarding each identified high-risk sex offender. Existing law authorizes the department and any law enforcement entity provided with information regarding a high-risk sex offender to cause this information, and additional information including the offender's address, to be made public by whatever means the agency deems necessary to ensure the public safety. Under existing law, law enforcement agencies and employees of law enforcement agencies are immune from liability for good faith conduct under these provisions.

Existing law additionally provides that a law enforcement agency may authorize persons and entities who receive information regarding a high-risk sex offender to disclose the information to additional persons only if the agency determines that specified conditions have been satisfied regarding disclosure to the additional persons and identifies the appropriate scope of further disclosure.

Existing law requires the Department of Corrections, 15 days before the scheduled release of date of a person who is required to register as

a sex offender for specified reasons, to provide to local law enforcement certain information regarding the person.

This bill would require local law enforcement agencies that have been provided or received information regarding the identity and residence of any sex offender pursuant to the above provisions to convey that information to public or private school officials and any parent of a child who attends the school with respect to any sex offender who resides within a distance of 1,000 feet from the grounds of the school. By imposing increased duties on local agencies the bill would establish a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290.9 is added to the Penal Code, to
2 read:

3 290.9. Local law enforcement agencies that have been
4 provided or received information regarding the identity and
5 residence of any sex offender pursuant to paragraph (4) of
6 subdivision (a) of Section 290.4 or the release of specified sex
7 offenders pursuant to Section 290.6 shall convey that information
8 to public or private school officials and any parent of a child who
9 attends the school with respect to any sex offender who resides
10 within a distance of 1,000 feet from the grounds of the school.

11 SEC. 2. Notwithstanding Section 17610 of the Government
12 Code, if the Commission on State Mandates determines that this
13 act contains costs mandated by the state, reimbursement to local
14 agencies and school districts for those costs shall be made pursuant



1 to Part 7 (commencing with Section 17500) of Division 4 of Title
2 2 of the Government Code. If the statewide cost of the claim for
3 reimbursement does not exceed one million dollars (\$1,000,000),
4 reimbursement shall be made from the State Mandates Claims
5 Fund.

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